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Discussion of Proposed Legislation Providing for Registration of Engineers and Architects in Ohio

By E. G. BRADBURY,

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The history of the effort to secure legislation in Ohio providing for regulation by law of the practice of engineering goes back some twenty years; the first activity resulted in the presentation of a bill for licensing surveyors, and was backed by the Ohio Society of Surveyors and Civil Engineers, which later became the Ohio Engineering Society. The bill was not passed, and nothing further was done in this direction for several years.

About ten years ago the Ohio Engineering Society again took the subject up, and for several years made a sustained effort to secure the passage of a bill providing for the registration of Civil and Mining Engineers and Surveyors. At one session of the Legislature, this bill, more or less amended, was favorably acted upon by the Senate.

Repeated failures to secure the passage of the bill dampened the ardor of the Society and the subject was dropped for a time. At the Convention of the Ohio Engineering Society held in January, 1919, the Legislative Committee was instructed to revise the bill and to make

another effort for its passage. The Committee did the work of revision, limiting itself, according to instructions, to the regulation of civil and mining engineering and surveying. On completion of the draft of the bill, it was read before the Engineers' Club of Columbus, and was met by requests from mechanical, electrical and other engineers that its scope should be broadened so as to include all branches of engineering and architecture.

It was voted to refer the matter to the Association of Ohio Technical Societies with the recommendation that a new bill should be drafted, to include the entire field of technical practice. A meeting of delegates from the several member societies of the Association was called, and the recommendations of the Columbus Engineers' Club were adopted at this meeting, and a committee appointed to draft the new bill. The membership of this committee is as follows:

C. E. Richards, Architect
R. R. Dunlop, Electrical Engineer
W. E. Haswell, Mechanical Engineer

H. E. Nold, Mining Engineer
 J. R. Withrow, Chemical Engineer
 A. S. Watts, Ceramic Engineer
 E. G. Bradbury, Civil Engineer, Chairman.

After several meetings this committee produced the draft of a bill which has been forwarded to all of the member societies in limited numbers. It was found that there were a good many criticisms in regard to some details of the bill, some questions raised as to the propriety or desirability of including some of the branches of engineering, and, in some of the societies, serious doubt as to the wisdom of such legislation in any form. As a result of these questions, the committee deemed it unwise to present the bill to the Legislature, believing it preferable to defer such action until the technical societies are able to present a united front.

The writer has been quite closely identified with this movement for ten years or more, and believes that legislation of this kind is desirable, but at the same time is not especially enthusiastic in advocating immediate action. The reasons for this attitude are as follows; under present conditions wholly incompetent men are not infrequently elected or appointed to public positions of an engineering character, resulting in poor management of public business. Regulation by law has proven highly satisfactory in other professions, both to the public and to the parties directly affected. Laws of this character have been passed in eight or ten other states, practically all containing provisions for reciprocity. This places the engineer or architect, in a state having no such law, at a disadvantage, as he cannot practice in the states where restrictions exist, while he is still subject to competition at home from the residents of such states. Finally, it appears probable that such legislation will, sooner or later, be passed in Ohio, and, if this is true, it would seem wise for the technical men to anticipate these conditions, and secure the passage of a bill satisfactory to them.

The bill prepared by the committee is a blanket or omnibus bill. It does not attempt to differentiate between the various branches of engineering. Under its provisions, the holder of a certificate may practice any branch of engineering or architecture, although he may be qualified only in one branch. This phase of the problem was given very serious study by the committee, and it was the conclusion that it was not necessary to attempt to protect the public or the profession from the qualified technical man, but rather from the incompetent and the faker. It is realized that there may be abuses under this blanket provision, but the comparatively small danger of this does not seem sufficient to outweigh the inevitable trouble, annoyance and hardship that will necessarily follow the passage of legislation which rigidly differentiates the various branches, on account of the overlapping of the work necessarily done by them. We need not feel seriously concerned about the occasional mechanical engineer who undertakes to design a court house, nor the occasional architect who may consider himself able to devise and manufacture chemical apparatus, but we know that it is necessary for almost all technical men to handle elementary problems in lines other than their particular branch and consider it unreasonable to prohibit this. It is believed that practically all engineers and architects can be depended upon to recognize their own limitations. It has not been found necessary to discriminate between the branches of the medical professions nor of the legal profession.

The important features of the bill as drafted by the committee are as follows:

The bill provides for a Board of nine members, representing the principal branches of engineering and architecture. Each member must have been a citizen of Ohio for at least five years, and have been continuously engaged for at least ten years in the active practice or teaching of engineering and architecture. Not more than three teachers shall serve on the Board at the same time.

The essence of the bill is contained in Section 6 which makes it illegal, from and after one year after the passage of the act, for any person who does not hold a certificate granted by the Board, to practice professional engineering or architecture, as defined in the act, in Ohio; to hold public office or employment involving such practice; to set or disturb boundary monuments; to qualify as a witness for the purpose of testifying as an

engineering or architectural expert; and that no plats shall be accepted for record unless certified by a registered engineer or surveyor. An exception is made in favor of officers holding office or officers elect, during the term for which they have been elected, and also of government engineers and architects, this exception being, however, limited to the duties pertaining to their official positions.

The definition of professional engineering and architecture is long and includes all branches of engineering and architecture other than military engineering. Any person who designs or makes drawings for any one or more of a long list of engineering and architectural works specifically enumerated or who makes estimates or specification therefor, or who directs the construction of such work as engineer or architect, or who acts as a consulting engineer or architect, or who surveys or makes maps or plats or who does any work ordinarily known as civil, mining, mechanical, electrical, chemical, metallurgical, ceramic, refrigeration, heating, automotive, valuation, municipal, highway, railroad, structural, hydraulic, sanitary, irrigation or drainage engineering, architecture or marine architecture, landscape engineering or architecture, or surveying, except on his own property, for his own personal use and without receiving money therefor, or who offers or agrees to do any of the above things or maintains a place of business for the carrying on of any of the branches of the engineering or architectural professions, will be regarded as practicing professional engineering or architecture within the meaning of the act. The scope of the bill is extended to include engineering or architectural assistants in responsible charge of work, with authority to exercise discretion, assume responsibility and devise methods. Assistants of a lower grade need not be registered, provided they are under, and report directly to a registered engineer or architect or surveyor, who assumes all responsibility for their work.

The list of engineering works referred to in the previous paragraph is intended by the committee to be a complete statement of the various activities of the engineering and architectural professions other than military engineering.

Provision is made for the granting of certificates, entitling the holders to practice surveying, to persons whose practice has been limited to this branch or who show themselves qualified to properly conduct surveying operations only. The holder of such a certificate is limited in his practice to the surveying and platting of land or mines.

Engineers or architects not residing in Ohio, if called in consultation by any registered engineer or architect in the state will not be required to hold certificates to act in such consulting capacity. A similar exception is made in favor of non-resident engineers or architects who may be called as witnesses upon questions in regard to which they are especially qualified.

The Board is required to issue a certificate without examination to three classes of applicants; first, to anyone holding lawfully a diploma showing completion of an engineering or architectural course in an approved college or university, together with satisfactory evidence that he has had at least two years' practical experience under competent engineers or architects; second, to any member in good standing in the American Society of Civil Engineers, the American Institute of Mining Engineers, the American Institute of Electrical Engineers, the American Society of Mechanical Engineers, the American Institute of Chemical Engineers, the American Institute of Architects, or other National Engineering organizations having similar requirements for membership; third, to any applicant who within one year after the passage of the act submits satisfactory evidence that he has, for five consecutive years prior to the passage of the act, been engaged in the active practice of such profession. Certificates will also be granted to any applicant who successfully passes an examination before the Board.

The Board has a right to reject any applicant guilty of felony, misdemeanor, misrepresentation, perjury, or fraudulent methods of practice or may, after proper hearing, revoke a certificate for the same cause. An appeal may be taken to the Governor or Attorney General.

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DISCUSSION OF PROPOSED LEGISLATION
PROVIDING FOR REGISTRATION OF
ENGINEERS AND ARCHITECTS
IN OHIO

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The fee for consideration of an application for a certificate without examination is to be \$10.00 and for examination the fee will be \$25.00. Certified copies of certificates will cost \$1.00 each. No fees will be returned, but any unsuccessful candidate may be examined once more within one year without further charge. All fees will be placed in the State Treasury to the credit of a fund established for the use of the Board, which fund shall not be appropriated for any other purpose. There is no provision for annual or renewal charges.

Certificates may be issued without examination to any person who possesses and presents a certificate, or satisfactory evidence of the possession thereof, from another state in which the laws require of professional engineers, architects or surveyors qualifications equal to those required in Ohio, entitling him to practice such professions, provided that equal rights are accorded by such state to registered engineers, architects and surveyors of Ohio. The fee for such certificate is to be the same as the fee charged by the other states for a like certificate to a resident of Ohio, but if such state has fixed no specific fee, the charge shall be \$10.00.

The bill contains numerous provisions in regard to the organization and procedure of the Board. The secretary is to receive a salary to be fixed by the Board and to give bond. Clerks and assistants may be employed. The members of the Board, other than the secretary, will receive their necessary expenses while engaged in the discharge of their duties, but no compensation. No money can be expended for any purpose in excess of the fund created under the provisions of the act. Complete records are to be kept and a schedule showing the names and places of business of all registered professional engineers, architects and surveyors will be maintained, open to public inspection, in the office of the Auditor of State.

Every holder of a certificate is required to display the same conspicuously in his place of business.

A penalty of from \$100.00 to \$1,000.00 fine or from 30 days to one year imprisonment is provided for fraud in securing a certificate. A penalty of from \$20.00 to \$500.00 fine or from 30 days to one year imprisonment is provided for the violation of the act by practicing engineering, architecture or surveying without a certificate.

The above statement covers all essential features of the bill. It should be carefully considered by the several member societies of the Association, and if it meets with their approval, or can be amended so as to be satisfactory to all, it should be introduced in the General Assembly and its passage urged. Until such time, however, as the engineers and architects are practically unanimously in favor of such legislation, action may well be deferred.